

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

CURTIS MAURICE HOWARD,)	
# 237755,)	
)	
Petitioner,)	
)	
v.)	CASE NO. 3:22-cv-379-WHA-JTA
)	(WO)
DEBORAH TONEY, et al.)	
)	
Respondent.)	

ORDER

Petitioner Curtis Maurice Howard has filed a document that the Court construes as Howard's notice of voluntary dismissal under Rule 41(a)(1) of the Federal Rules of Civil Procedure.¹ Doc. 7.

Rule 41(a)(1)(A)(i) provides that a plaintiff may voluntarily dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment[.]" Fed. R. Civ. P. 41(a)(1)(A)(i).

Accordingly, it is ORDERED that this action is DISMISSED without prejudice under Fed. R. Civ. P. 41(a)(1).

The Clerk of Court is DIRECTED to close this case.

DONE this 27th day of June, 2022.

¹ Howard initiated this action by filing a petition for writ of habeas corpus under 28 U.S.C. § 2254 in the United States District Court for the Southern District of Alabama. Doc. 1. That court transferred Howard's case to this Court by order entered on May 23, 2022. Doc. 5.

/s/ W. Harold Albritton
Senior United States District Judge